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ABSTRACT

In this cooperative agreement, Maine's Division of Special Education, Bureau of Adult and Secondary Vocational Education, and Bureau of Rehabilitation (including the Vocational Rehabilitation Program and the Division of Eye Care) document their intent to develop collaboratively programs to provide educational, vocational, occupational, supportive, and job placement services for students with handicaps. The three agencies agree to work together to provide technical assistance to school administrative units, to assure that all students with handicaps receive appropriate services, and to assure that the rights of persons with handicaps are protected in compliance with Title V of the Rehabilitation Act of 1973 as amended. The cooperative agreement document covers cooperative planning and funding on state and local levels, individual student planning, referral guidelines for each agency, services, confidentiality, due process, local implementation, and joint evaluation and follow-up of the agreement. (JDD)

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COOPERATIVE AGREEMENT

AMONG

THE DEPARTMENT OF HUMAN SERVICES,

BUREAU OF REHABILITATION

AND

THE DEPARTMENT OF EDUCATIONAL & CULTURAL SERVICES,

BUREAU OF ADULT AND SECONDARY VOCATIONAL EDUCATION

AND

THE DIVISION OF SPECIAL EDUCATION

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EC 231949

COOPERATIVE AGREEMENT

Department of Human Services, Bureau of Rehabilitation;
Department of Educational & Cultural Services,
Bureau of Adult and Secondary Vocational Education
Division of Special Education

PHILOSOPHY

It is the philosophy of the Maine Department of Human Services, Bureau of Rehabilitation (Vocational Rehabilitation Program and Division of Eye Care); Department of Educational and Cultural Services, Bureau of Adult and Secondary Vocational Education; and Division of Special Education, that all students with handicaps* are afforded a free, appropriate, public education and appropriate rehabilitation services necessary to develop academic, independent living and vocational skills. The Departments are committed to coordinated delivery of services and cooperative planning in keeping with the Education of All Handicapped Children Act of 1975 PL 94-142 as amended; Vocational Education Act (PL 98-524); Rehabilitation Act of 1973 as amended; Maine Law Title 20-A MRSA 7001 et seq.; Title 20-A MRSA 8301 et seq.; 22 MRSA § 3051 et seq.; and 22 MRSA 3500 et seq.

Although the roles described in this agreement are general to the disciplines of vocational education, special education, and vocational rehabilitation, application of the service roles depends upon the faith and goodwill of local practitioners. The common thread running through effective programming is a mutual understanding of how each discipline interprets its role, a fully realized team orientation to service, and a consistent focus on the person with a handicap, their family and the desired outcomes. Through collaborative strategies, the objective of this agreement is to encourage an environment which enables students to develop individual talents, skills, and abilities in a manner proving beneficial to themselves and to society. We cannot overemphasize the importance of the person-to-person factor in the collaborative integration of services directed toward the transition from school to work and community living for students with handicaps. The success of our efforts will largely depend upon the relationships developed between individuals practicing within their respective disciplines. It is agreed that the Division of Special Education, Bureau of Adult and Secondary Vocational Education, and Bureau of Rehabilitation (Vocational Rehabilitation Program and Division of Eye Care) will collaboratively plan in the development of programs designed to provide educational, vocational, occupational, supportive and job placement services for students with handicaps.

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*For purposes of this agreement, handicapped means exceptional student as defined in Maine Special Education regulations Chapter 101 and the Rehabilitation Act of 1973 as amended.

The three agencies agree to work together to provide appropriate services to persons with handicaps by:

- Assuming primary responsibility for providing technical assistance and guidance to school administrative units in the development and implementation of career planning, vocational programs and services for students with handicaps.

- Assuring that all students with handicaps (as defined under PL 94-142 as amended) and those students with handicaps eligible for Vocational Rehabilitation services (as defined under PL 98-221 as amended) for the Eye Care Education Program and for Vocational Education (as defined under PL 98-524) receive appropriate services. It is acknowledged and agreed that the Bureau of Rehabilitation (Vocational Rehabilitation Program) will give priority to students with severe disabilities as defined by the Rehabilitation Services Administration.

- Assuring that the rights of persons with handicaps are protected in compliance with Title V of the Rehabilitation Act of 1973 as amended.

COOPERATIVE PLANNING AND FUNDING

STATE PLANNING

The delivery of appropriate services to individual students with handicaps is the ultimate goal. The three agencies will review their respective State Plans as they relate to the needs of handicapped persons, in an annual meeting of the Director, Bureau of Rehabilitation; Associate Commissioner, Bureau of Adult and Secondary Vocational Education; and Director, Division of Special Education. It is agreed that the agencies will share information about and jointly plan staff training, data collection activities, publications and priorities for funding as they relate to students with handicaps. Such activities will be coordinated and monitored by staff from each agency assigned by the directors. These staff shall be referred to as the State Cooperative Agreement Team.

LOCAL PLANNING

The Division of Special Education, Bureau of Adult and Secondary Vocational Education and Bureau of Rehabilitation (Vocational Rehabilitation Program) expect that joint planning will occur at the local level whenever federal discretionary, set aside or other grant funds to develop or maintain vocationally oriented/community based programs are requested. Joint planning of local proposals will be indicated by a letter of acknowledgement from the *superintendent of schools, local vocational education administrators, and regional vocational rehabilitation managers.

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*In the case of vocational education regions and centers, the superintendent representing the school administrative unit which acts as the vocational school's fiscal agent may be the signer.

The Division of Special Education expects that proposals for Education of the Handicapped Act (EHA) Part B funds submitted by school administrative units relating to the provision of services, programs and the transition process for secondary students with handicaps will be shared with vocational education and rehabilitation personnel at the local level. The Division of Special Education will review all such proposals with vocational education and rehabilitation personnel at the state level.

The Bureau of Adult and Secondary Vocational Education expects that proposals involving students with handicaps be shared with special education and rehabilitation personnel at the local level. The Bureau of Adult and Secondary Vocational Education will review all such proposals with special education and rehabilitation personnel at the state level.

The Bureau of Rehabilitation expects that proposals for external funding that involve students with handicaps be shared with special education and vocational education personnel at the local level. The Bureau of Rehabilitation will review all such proposals with special education and vocational education personnel at the state level.

REFERRAL AND INDIVIDUAL STUDENT PLANNING

The three agencies believe that the Pupil Evaluation Team serves as the most effective communication mechanism to facilitate coordinated planning for students with handicaps who are receiving special education services. The Pupil Evaluation Team shall determine eligibility and develop Individual Education Programs which specify appropriate special education services. It is agreed that referrals for vocational rehabilitation services or vocational education will be made through the Pupil Evaluation Team process for those handicapped students. Students with disabilities who are not receiving special education services but who may be eligible for vocational rehabilitation services or vocational education will be referred by the guidance counselor or director of special education depending on local policy.

The three agencies expect coordinated and joint planning for individual students to occur; and that for each student who requires it, a lead individual be identified to coordinate transition planning. The agencies acknowledge that to assure meaningful participation in the planning process vocational rehabilitation counselors, vocational education representatives and eye care education coordinators need sufficient notice to arrange their schedules to attend PET meetings. For this reason when a Pupil Evaluation Team meeting is being planned it is expected that the vocational rehabilitation counselor, eye care education coordinator and vocational education representative will be given adequate notice in writing, but in any case no less than seven days in advance, notwithstanding emergency situations. The three agencies recognize that parents may request a Pupil Evaluation Team meeting at anytime and waive the seven day notice requirement in those instances.

It is agreed that where Eye Care education program services are anticipated the education coordinator will participate in the PET process;

when services are being provided, the education coordinator (and Itinerant Teacher when assigned) will participate in the PET process and Individual Education Program (IEP) development.

In order to assure coordinated plan development the Division of Special Education will require school administrative units to invite a vocational education representative and vocational rehabilitation counselor to attend the Pupil Evaluation Team (PET) meetings and to participate in the development of the Individual Education Program (IEP) when a vocational education program or vocational rehabilitation services are anticipated or being provided. The Bureau of Adult and Secondary Vocational Education and Bureau of Rehabilitation (Vocational Rehabilitation Program) will insure that their appropriate representatives and counselors participate in this planning process and in the development of the students' individual plans. These plans* will be shared and will include coordination of goals, objectives, services, and time frames.

In order to maintain on-going communication among agencies and to assure that students' individual written plans are not changed or altered in isolation, other agencies (represented in this agreement) must be notified of any changes to students' individual written plans. Significant changes to students individual plans that impact on other agencies' services or program participation must be made through a joint meeting of the agencies involved. If the student is receiving special education services such a meeting shall be held in cooperation with the pupil evaluation team process.

BUREAU OF REHABILITATION

OUTREACH RESPONSIBILITY

The Bureau of Rehabilitation's local office staff are responsible for visiting all schools whose students may be covered under this agreement a minimum of once per year to inform appropriate school personnel about the goals and objectives of the Vocational Rehabilitation Program; to explain eligibility criteria; to encourage referrals and to identify students who may be in need of vocational rehabilitation services.

VOCATIONAL REHABILITATION PROGRAM-REFERRAL GUIDELINES

OUT OF SCHOOL STUDENT

The Bureau of Rehabilitation (Vocational Rehabilitation Program) will accept responsibility for the provision of vocational rehabilitaton services for eligible persons who have voluntarily withdrawn from school. In these instances, the vocational rehabilitation counselor will first determine if the individual is interested in returning to school. If the individual is

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*Individual Written Rehabilitation Program (IWRP); Individual Education Program (IEP); Individual Vocational Education Program (IVEP).

interested in returning to regular day school or adult education the vocational rehabilitation counselor shall assist the student in enrolling.

IN SCHOOL STUDENT

Referral to the Vocational Rehabilitation Program by the Pupil Evaluation Team, guidance counselor or director of special education for eligibility determination and planning should occur when the parties believe that the student may benefit from vocational rehabilitation services. It is incumbent upon the cooperating professionals at the local level to maintain a working relationship so that the timing of referrals for determination of eligibility for vocational rehabilitation is based on the student's readiness and need for services. The age and grade level of the student at referral will vary with the individual, however, prior to referral the student should have been exposed to the concept of the world of work, and developed a basic understanding of such.

When specific vocational goals are to be introduced into the instructional plan, the vocational rehabilitation counselor can contribute expertise and knowledge about community resources, other adult services, vocational implications of disability, job modifications, and vocational adjustment counseling. Eligibility for vocational rehabilitation services will be determined by the vocational rehabilitation counselor. If eligible, appropriate vocational rehabilitation services will be provided as outlined in the students Individual Written Rehabilitation Program.

- Referral of students to vocational rehabilitation, including those who attend private school, is the responsibility of the school administrative unit. However, this does not preclude referral by parents, guardians, other interested parties, or the student.

- Written consent of parents or a guardian is required for referral and sharing of records of students under age 18.

- At the time of referral, school administrative units will be responsible for providing vocational rehabilitation counselors with the following information <u>if available</u>:

  - medical, educational, social, psychological, speech and language;
  - pre-vocational or vocational assessment and programming results; any other relevant information that will help to determine the student's eligibility.

If additional or more up-to-date information is required to determine vocational rehabilitation eligibility, vocational rehabilitation is responsible for obtaining such material.

- When a student who is receiving special education services is referred to vocational rehabilitation, the vocational rehabilitation counselor shall participate in any appropriate Pupil

Evaluation Team meetings pending determination of eligibility, at which point:

- if the student is not eligible, results of the evaluation, written reasons for the ineligibility decision and recommendations will be provided to the Pupil Evaluation Team;
- if found eligible, the vocational rehabilitation counselor will continue as part of the Pupil Evaluation Team so long as the student is involved in the Vocational Rehabilitation Program.

- When a student who is not receiving special education services is determined eligible or ineligible, the vocational rehabilitation counselor will provide written notification of the decision and recommendations to the guidance counselor or director of special education, depending on local policy.

- When a student is referred to vocational rehabilitation by sources other than the school, the vocational rehabilitation counselor will notify the appropriate school personnel of the referral.

DIVISION OF EYE CARE EDUCATION PROGRAM - REFERRAL GUIDELINES

Children suspected of having a visual impairment will be referred by the Pupil Evaluation Team to the regional education coordinator of the Division of Eye Care for determination of eligibility for services.

When a school age child is referred to the Division of Eye Care, the school administrative unit will be responsible for providing education coordinators with the following information:

- available medical/optimetric information;
- educational/social information;
- any other relevant information.

The regional education coordinator will participate in any appropriate Pupil Evaluation Team meetings pending determination of eligibility, at which point:

- if the student is not eligible, results of the evaluation, written reasons for the ineligibility decision and recommendations will be provided to the Pupil Evaluation Team;
- if found eligible, the education coordinator (and Itinerant Teacher if assigned) will continue as part of the Pupil Evaluation Team so long as the student is involved in the Eye Care Program.

VOCATIONAL EDUCATION - REFERRAL GUIDELINES

It is expected that students who are handicapped and eligible for special education and students with disabilities who are not receiving special education will have received career counseling and pre-vocational skill training in the home school's general education programs such as general agriculture, industrial arts, home economics or other similar programming

prior to referral to vocational education. Referrals by the Pupil Evaluation Team, guidance counselor or director of special education will be made in a way that will allow sufficient time to arrange for curriculum or equipment modification needed by the student before entering the vocational program.

- At the time of referral, the student's home school will be responsible for providing vocational education representatives with the following information if available:

  - pre-vocational or vocational assessment and programming results;
  - medical, educational, social, psychological, speech, language information; and
  - any other relevant information that will assist in determining the appropriateness of the anticipated placement.

- When a student who is handicapped and whose program is being determined by a Pupil Evaluation Team is referred to vocational education, the vocational education representative shall participate in any appropriate Pupil Evaluation Team meetings until the appropriateness of the vocational education program is determined at which point:

  - if the program is not appropriate, a written reason will be provided to the Pupil Evaluation Team;
  - if found appropriate, the vocational education representative will continue as part of the Pupil Evaluation Team so long as the student is enrolled in a secondary vocational education program. The director of special education will assure that the vocational school is sent a copy of the student's approved Individual Education Program if it includes special vocational education services or support.

SERVICES

It is agreed that the Bureau of Rehabilitation has no legal responsibility to provide individuals covered under this agreement with a free, appropriate, public education. Students referred to Vocational Rehabilitation will be maintained in the programs provided by the school administrative unit until graduation or other termination. Within this framework it is acknowledged that services needed by students may be provided by one or more agencies, and are best provided through team work, coordinated planning and shared responsibility. No one discipline has the resources or singular responsibility for the vocational preparation of students with a handicap. In some cases one party to this agreement has the primary legal and financial responsibility for particular aspects of an individual student's program and services. This situation generally would occur when services are needed to meet the goal of one agency's individual student plan. In other instances one or more parties may share legal and financial responsibility for the student's appropriate program and services. Shared responsibility generally would occur

when services for the student are needed to meet the goal of more than one agency's individual student plan. All decisions as to the extent of agency involvement should be based on student need, and determination of which agency can best, financially and legally, meet that need.

If there is disagreement at the local level on the financial or case management responsibility of the agencies involved in this agreement the issue shall first be referred to the appropriate Bureau of Rehabilitation regional manager, vocational center or region director and director of special education for resolve. If these individuals are unable to reach a decision the matter shall next be referred to the State Cooperative Agreement Team for a policy interpretation. If this team is unable to resolve the issue it shall be referred to the Director, Bureau of Rehabilitation, Associate Commissioner, Bureau of Adult and Secondary Vocational Education and Director, Division of Special Education for policy review and decision. Decisions throughout this process shall be rendered in a timely manner. Final decision shall be rendered no more than six months from initial notice of a disagreement.

CONFIDENTIALITY

It is agreed that the Division of Special Education and Bureau of Adult and Secondary Vocational Education and Division of Eye Care's Education Program will follow confidentiality procedures outlined in the Federal Family Educational Rights & Privacy Act of 1974 as amended, and the Education for All Handicapped Children Act of 1975 as amended; and that the Bureau of Rehabilitation (Vocational Rehabilitation Program) will follow confidentiality regulations outlined under Section 361.49 of the Vocational Rehabilitaton Federal Regulations.

DUE PROCESS

It is agreed that each of the three agencies will communicate their due process procedures to parents, students and/or their representatives seeking services under this agreement. When any individual believes that their rights have not been met under this agreement by any one of the agencies, they have the right to pursue due process against that agency. Complaints may be raised with more than one agency should the individual be involved with more than one agency at any given time. Nothing in this section shall interfere with due process safeguards under any other applicable law or regulation.

LOCAL IMPLEMENTATION

The Bureau of Rehabilitation, Bureau of Adult and Secondary Vocational Education and the Division of Special Education mutually agree to plan and provide information and training to their agencies' staff, to school administrative units, vocational regions and centers and rehabilitaton field offices personnel as needed to assure implementation of this agreement. The State Cooperative Agreement Team will design and oversee these implementation activities and shall assist school administrative units, secondary vocational education schools and local Bureau of Rehabilitation offices to develop procedures in order to implement this agreement.

JOINT EVALUATION AND FOLLOW-UP OF AGREEMENT

The parties to this agreement will assign staff (the State Cooperative Agreement Team) for the purpose of monitering this agreement. This team will develop monitoring procedures; will meet a minimum of four times per year; and will recommend, to the directors, amendments to the agreement as needed.

Eve M. Bither, Commissioner
Department of Educational
and Cultural Services

Date: 5-8-89

Rollin Ives, Commissioner
Department of Human Services

Date: 4.26.89

William Cassidy, Associate Commissioner
Bureau of Adult and Secondary
Vocational Education
Department of Educational
and Cultural Services

Date: 5-8-89

Pamela Tetley, Director
Bureau of Rehabilitation
Department of Human Services

Date: 4/27/89

William Richards, Associate Commissioner
Bureau of Instruction
Department of Educational and Cultural Services

Date: 5-8-89

David Noble Stockford, Director
Division of Special Education
Department of Educational and Cultural Services

Date: 5/8/89